

From: "Donald Shelton" <SheltonD@washtenaw.org>
To: <MSC_clerk@courts.mi.gov>
Date: Tue, Dec 3, 2002 12:45 PM
Subject: Comment to proposed Order 2002-37

I urge the Court to adopt the almost all of the electronic filing standards drafted by the Electronic Filing Subcommittee of the National Consortium for State Court Automation Standards, as referenced in Order 2002-37. These standards represent the best practices from around the nation and should form the basis for our Michigan efilg projects. As these projects proceed, they will need the assistance of the Michigan Supreme Court and the SCAO to allow the flexibility in court rule interpretations and applications necessary to facilitate the electronic filing process.

I do have one concern about the proposed standards as they relate to document format. Standard 1.1D indicates that pdf, a proprietary product of the Adobe company, is the "defacto standard for electronic filing today". First, I do not believe that to be the case, although the federal courts use that system. Secondly, even if it were the case, we should not be endorsing a particular application product as a standard, de facto or otherwise.

There is an important distinction between the court choosing a document format that it will utilize within the court and the court requiring citizens to purchase a product of a particular company in order to file or otherwise access their judicial system. The latter is at the very least bad public policy. As the standards state, one of the goals is to have an entirely digital system. Citizens should not be required to buy any particular product in order to seek redress in that system. Tying access to the judicial system to a private product standard also has practical implications. What will we do when Adobe increases the price of its writer from the current \$200 to \$500 or \$1,000? What will we do when Adobe goes bankrupt?

The pdf application may well be a good choice for the court's internal document formatting application, although there are certainly others. However, we should not impose that format on filers. Rather we should fully utilize the xml capacity as the standards suggest to allow filing in that format and then the court can convert, if it wishes, the filed documents to whatever internal format it chooses.

Donald E. Shelton, Washtenaw County Circuit Judge, Ann Arbor, Michigan

RECEIVED

DEC 04 2002

OFFICE OF
THE CHIEF JUSTICE